

FEB 02 2007

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DATE:

PTO IDENTIFIER: Application Number 10/584,785
Patent Number

Inventor: Thorsten Johann et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: CONNOLLY BOVE LODGE & HUTZ LLP
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Attorney Dkt. #: 13156-00059-US

PAGES (Including Cover Sheet): 8

CONTENTS: Transmittal Of Translation Of International Preliminary Report On Patentability (1 page)
Translation Of International Preliminary Report On Patentability (5 pages)
Certificate of Transmission (1 page)

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Application No.: 10/584,785

Docket No.: 13156-00059-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of:
Thorsten Johann et al.

Application No.: 10/584,785

Confirmation No.: N/A

Filed: July 17, 2006

Art Unit: N/A

For: METHOD FOR THE PRODUCTION OF
BUTADIENE

Examiner: Not Yet Assigned

**TRANSMITTAL OF TRANSLATION OF INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY**

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits herewith an English translation of the International Preliminary Report On Patentability ("IPRP") issued in the corresponding international application. The international Examiner has deemed claims 1-3 to have novelty, inventive step, and industrial applicability. The reference cited in the IPRP has been cited by Applicant in an Information Disclosure Statement filed with the above-captioned application.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 13156-00059-US.

Respectfully submitted,

By

Ashley I. Pezzner

Registration No.: 35,646

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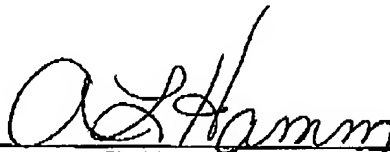
Application No. (if known): 10/584,785

Attorney Docket No.: 13156-00059-US

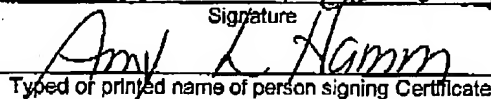
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Transmittal Of Translation Of International Preliminary Report On Patentability
(1 page)

Translation Of International Preliminary Report On Patentability (5 pages)

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TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B03/0719PC	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/014834	International filing date (day/month/year) 30.12.2004	Priority date (day/month/year) 30.12.2003
International Patent Classification (IPC) or national classification and IPC C07C5/533, C07C11/167		
Applicant BASF AKTIENGESELLSCHAFT		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input checked="" type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPEA/409 (cover sheet) (January 2004)

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/014834

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

☐ the international application as originally filed/furnished

☒ the description:

pages 1-18 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. 1-3 as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* _____ received by this Authority on _____

nos.* _____ received by this Authority on _____

☐ the drawings:

sheets _____ as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Form PCT/ISA/409 (Box No. I) (January 2004)

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY		International application No. PCT/EP2004/014834
Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
1. Statement		
Novelty (N)	Claims <u>1-3</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-3</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-3</u>	YES
	Claims _____	NO
2. Citations and explanations (Rule 70.7)		
<p>This report makes reference to the following document:</p> <p>D1: GB 628 686 A (UNIVERSAL OIL PRODUCTS COMPANY) 2 September 1949 (1949-09-02)</p> <p>The present application relates to a method of producing butadiene from n-butane, said method comprising steps (A)-(F) (see claim 1). D1 is the closest prior art and also discloses a method of producing butadiene. D1 differs from the subject matter of claim 1 in that the product stream from the first dehydrogenation zone is divided into two fractions and only the n-butene fraction is fed to the second dehydrogenation stage (see claims 1 to 7, page 2, right-hand column, line 102 ff.). In contrast thereto, in claim 1, the product stream from the first dehydrogenation zone is fed to the second dehydrogenation stage without fractionation.</p> <p>The technical problem is considered to be that of providing another method of producing butadiene. The solution is described in claim 1 and is based on the fact that the product stream from the first dehydrogenation zone is fed to the second dehydrogenation stage without</p>		

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/014834

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

fractionation. A person skilled in the art would not be able to derive the feeding of the product stream from the first dehydrogenation zone to the second dehydrogenation stage without fractionation from the closest prior art D1.

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/014834

Box No. VI

Certain documents cited

1. Certain published documents (Rule 70.10)

Application No.
Patent No.Publication date
(day/month/year)Filing date
(day/month/year)Priority date (valid claim)
(day/month/year)

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)Date of written disclosure
referring to non-written disclosure
(day/month/year)

WO-A-2004/007408

Form PCT/ISA/409 (Box No. VI) (January 2004)